

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

**UNITED STATES OF AMERICA**

**V.**

**CASE NO. 3:03CR161-1**

**LUIS QUINTERO**

**ORDER**

This cause comes before the court on the motion of defendant Luis Quintero for this court to reconsider its order denying his motion to withdraw his guilty plea. In his motion, Quintero notes that, contrary to this court's order, the standard for withdrawing a guilty plea has been moved from Fed. R. Crim. P. 32(e) to Fed. R. Crim. P. 11. Aside from making this technical point, however, Quintero does not deny that the *Carr* standard employed by this court is the correct one, and he does not even attempt to argue that this court applied the *Carr* standard in an improper manner. Quintero next argues that the recent Supreme Court decision of *United States v. Booker*, 125 S.Ct. 738 (2005) entitles him to withdraw his guilty plea, but his own counsel notes that this argument is not well taken, considering that Quintero's sentence has not been enhanced based upon any unconstitutional fact-finding process. The court therefore concludes that the motion to reconsider is not well taken and should be denied.

In light of the foregoing, Quintero's motion [108-1] for this court to reconsider its order denying his motion to withdraw his guilty plea is denied.

This is the 11<sup>th</sup> day of August, 2005.

/s/ Michael P. Mills  
**UNITED STATES DISTRICT JUDGE**